



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0216/P1

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Stamps

RMK

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

B-note

SOON
IN: 2/10

reger

1 AN ACT *to renumber* 66.0617 (2) (am); *to renumber and amend* 79.035 (1),
2 83.001 and 174.065 (1); *to amend* 5.02 (21), 5.58 (3), 5.68 (2), 5.68 (3), 7.51 (3)
3 (b), 7.51 (3) (d), 7.51 (4) (b), 7.51 (5), 9.10 (1) (a), 9.10 (1) (b), 9.10 (2) (d), 9.10 (3)
4 (a), 9.10 (4) (a), 9.10 (4) (d), 9.10 (7), 10.05, 10.07 (1), 11.31 (1) (h) (intro.), 17.13
5 (intro.), 17.13 (3), 23.09 (19) (a) 2., 23.09 (20) (ab) 1., 23.09 (20m) (a) 1., 23.0917
6 (4m) (a) 3., 23.094 (1), 25.50 (1) (d), 27.01 (3), 27.075 (1), 27.075 (2), 27.075 (3),
7 27.075 (4), 27.08 (1), 27.08 (3), 30.277 (1b) (a), 59.69 (5) (c), 59.69 (7), 60.62 (1),
8 61.65 (1) (a) 2., 61.65 (2) (a) 2., 62.13 (1), 62.13 (8), 66.0217 (2), 66.0217 (3) (a)
9 (intro.), 66.0217 (3) (b) (intro.), 66.0219 (intro.), 66.0221 (1), 66.0223, 66.0301
10 (1) (a), 66.0615 (1m) (a), 66.0615 (2) (intro.), 66.0615 (2) (a), 66.0615 (2) (d),
11 66.0615 (3), 66.0617 (1) (a), 66.0617 (1) (c), 66.0617 (1) (d), 66.0617 (1) (g),
12 66.0617 (1) (h), 66.0617 (2) (a), 66.0617 (3), 66.0617 (4) (a) (intro.), 66.0617 (4)
13 (b), 66.0617 (5), 66.0617 (6) (intro.), 66.0617 (6) (b), 66.0617 (7), 66.0617 (8),
14 66.0617 (9), 66.0617 (10), 66.1021 (11) (a), 66.1341, 67.01 (5), 71.26 (1) (bm),
15 79.035 (title), 83.018, 84.07 (1), 84.07 (2), 84.07 (4), 85.20 (1) (d), 85.22 (2) (c),

85.243 (1) (b), 85.52 (1) (ag), 86.105, 125.17 (1), (2), (3), (4) (intro.), (5) (a), (b),
(c) and (e) and (6) (a) (intro.), (b) and (c), 125.32 (2), 125.68 (2), 174.05 (3), 174.06
(3), 174.08, 287.09 (1) (a) and 287.09 (1) (e); **to create** 5.58 (1u), 5.60 (6u), 7.53
(3m), 8.10 (6) (e), 8.11 (2f), 11.02 (8), 17.01 (11m), 17.27 (1f), 59.69 (2) (g), 60.61
(3) (d), 60.62 (3m), 61.65 (1) (a) 4., 61.65 (2) (a) 5., 62.13 (2s), 66.0309 (8) (c),
66.0615 (1) (bs), 66.0615 (1m) (em), 66.0617 (1) (dg), 66.0617 (2) (am) 2., 66.0617
(6) (h), 66.0617 (11), 70.11 (37m), 77.25 (18m), 77.54 (9a) (i), 79.035 (1) (b),
79.035 (3), 79.05 (1) (bm), 81.001, 81.19, 83.001 (2), 84.001 (1s), 84.001 (1t),
85.01 (2g), 86.001 (2g), 125.02 (10m), 125.02 (10p), 125.12 (1) (d), 174.06 (2m),
174.065 (1) (b), subchapter VI of chapter 229 [precedes 229.86] and 287.09 (1)
(dm) of the statutes; and **to affect** Laws of 1975, chapter 105, section 1 (1) and
(2); **relating to:** authorizing the creation of a metropolitan service district,
authorizing a metropolitan service district to levy a property tax, authorizing
a metropolitan service district to apply for funding from certain programs that
receive funding from the Warren Knowles–Gaylord Nelson Stewardship 2000
Program, authorizing certain towns to use tax incremental financing, and
authorizing a metropolitan service district to impose impact fees and issue
debt.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 5.02 (21) of the statutes is amended to read:

1 5.02 (21) “Spring election” means the election held on the first Tuesday in April
2 to elect judicial, educational, and municipal officers, nonpartisan county officers,
3 sewerage commissioners, and commissioners of metropolitan service districts and to
4 express preferences for the person to be the presidential candidate for each party.

5 **SECTION 2.** 5.58 (1u) of the statutes is created to read:

6 5.58 (1u) METROPOLITAN SERVICE DISTRICT COMMISSION. Except as authorized in
7 s. 5.655, there shall be a separate ballot for members of the metropolitan service
8 district commission. Arrangement of the names on the ballot shall be determined by
9 the metropolitan service district clerk in the manner provided under s. 5.60 (1) (b).
10 The ballot shall be entitled “Official Primary Ballot for Member of the Metropolitan
11 Service District Commission.”

12 **SECTION 3.** 5.58 (3) of the statutes is amended to read:

13 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,
14 for any judicial office, or for any elected seat on a metropolitan sewerage commission
15 or town sanitary district commission, in counties having a population of 500,000 or
16 more only 2 candidates for member of the board of supervisors within each district;
17 in counties having a population of less than 500,000 only 2 candidates for each
18 member of the county board of supervisors from each district or numbered seat or
19 only 4 candidates for each 2 members of the county board of supervisors from each
20 district whenever 2 supervisors are elected to unnumbered seats from the same
21 district; in 1st class cities only 2 candidates for any at-large seat and only 2
22 candidates from any election district to be elected to the board of school directors;
23 in school districts electing school board members to numbered seats, or pursuant to
24 an apportionment plan or district representation plan, only 2 school board
25 candidates for each numbered seat or within each district; in a metropolitan service

1 district, twice as many candidates as are to be elected members of the metropolitan
2 service district commission, or, if the district elects commissioners from apportioned
3 areas, twice as many candidates as are to be elected members of the commission from
4 each apportioned area; and twice as many candidates as are to be elected members
5 of other school boards or other elective officers receiving the highest number of votes
6 at the primary shall be nominees for the office at the spring election. Only their
7 names shall appear on the official spring ballot.

8 **SECTION 4.** 5.60 (6u) of the statutes is created to read:

9 **5.60 (6u) METROPOLITAN SERVICE DISTRICT COMMISSION.** Except as authorized in
10 s. 5.655, a separate ballot shall list the names of all candidates for member of the
11 metropolitan service district commission. Arrangement of the names on the ballot
12 shall be determined by the metropolitan service district clerk in the manner provided
13 under sub. (1) (b). The ballot shall be entitled "Official Ballot for Member of the
14 Metropolitan Service District Commission."

15 **SECTION 5.** 5.68 (2) of the statutes is amended to read:

16 **5.68 (2)** Except as otherwise expressly provided, all costs for ballots, supplies,
17 notices, and any other materials necessary in preparing or conducting any election
18 shall be paid for by the county or municipality whose clerk or board of election
19 commissioners is responsible for providing them. If a ballot is prepared for a school,
20 technical college, sewerage ~~or~~, sanitary, or metropolitan service district, the district
21 shall pay for the cost of the ballot. If no other level of government is involved in a
22 school, technical college, sewerage ~~or~~, sanitary, or metropolitan service district
23 election, the district shall pay for all costs of the ballots, supplies, notices, and other
24 materials. If ballots, supplies, notices, or other materials are used for elections
25 within more than one unit of local government, the costs shall be proportionately

1 divided between the units of local government involved in the election. In a 1st class
2 city, all costs otherwise attributable to a school district shall be paid by the city.

3 **SECTION 6.** 5.68 (3) of the statutes is amended to read:

4 5.68 (3) If voting machines are used or if an electronic voting system is used
5 in which all candidates and referenda appear on the same ballot, the ballots for all
6 national, state, and county offices and for county and state referenda shall be
7 prepared and paid for by the county wherein they are used. If the voting machine
8 or electronic voting system ballot includes a municipal or school, technical college,
9 sewerage ~~or~~, sanitary, or metropolitan service district ballot, the cost of that portion
10 of the ballot shall be reimbursed to the county or paid for by the municipality or
11 district, except as provided in a 1st class city school district under sub. (2).

12 **SECTION 7.** 7.51 (3) (b) of the statutes is amended to read:

13 7.51 (3) (b) For ballots which relate only to municipal ~~or~~ school district, *no strike on comma only score* or
14 metropolitan service district offices or referenda, the inspectors, in lieu of par. (a),
15 after counting the ballots shall return them to the proper ballot boxes, lock the boxes,
16 paste paper over the slots, sign their names to the paper, and deliver them and the
17 keys therefor to the municipal ~~or~~ school district, or metropolitan service district
18 clerk. The clerk shall retain the ballots until destruction is authorized under s. 7.23.

19 **SECTION 8.** 7.51 (3) (d) of the statutes is amended to read:

20 7.51 (3) (d) All absentee certificate envelopes which have been opened shall be
21 returned by the inspectors to the municipal clerk in a securely sealed carrier
22 envelope which is clearly marked "used absentee certificate envelopes". The
23 envelopes shall be signed by the chief inspector and 2 other inspectors. Except when
24 the ballots are used in a municipal ~~or~~ school district, or metropolitan service district

1 election only, the municipal clerk shall transmit the used envelopes to the county
2 clerk.

3 **SECTION 9.** 7.51 (4) (b) of the statutes is amended to read:

4 7.51 (4) (b) The chief inspector, or one of the inspectors appointed by him or her,
5 immediately after the votes are tabulated or counted at each election, shall report
6 the returns of the election to the municipal clerk ~~or~~, to the school district clerk for
7 school district elections, except in 1st class cities, or to the metropolitan service
8 district clerk for metropolitan service district elections. The clerk shall then make
9 the returns public.

10 **SECTION 10.** 7.51 (5) of the statutes is amended to read:

11 7.51 (5) RETURNS. (a) The inspectors shall make full and accurate return of the
12 votes cast for each candidate and proposition on tally sheet forms provided by the
13 municipal clerk for that purpose. Each tally sheet shall record the returns for each
14 office or referendum by ward, unless combined returns are authorized in accordance
15 with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group
16 of combined wards. After recording the votes, the inspectors shall seal in a carrier
17 envelope outside the ballot bag or container one inspectors' statement under sub. (4)
18 (a), one tally sheet, and one poll or registration list for delivery to the county clerk,
19 unless the election relates only to municipal or school district offices or referenda or
20 metropolitan service district offices. The inspectors shall also similarly seal one
21 inspectors' statement, one tally sheet, and one poll or registration list for delivery to
22 the municipal clerk. For school district elections, except in 1st class cities, the
23 inspectors shall similarly seal one inspectors' statement, one tally sheet, and one poll
24 or registration list for delivery to the school district clerk. For metropolitan service
25 district elections, the inspectors shall similarly seal one inspectors' statement, one

1 tally sheet, and one poll or registration list for delivery to the metropolitan service
2 district clerk. The inspectors shall immediately deliver all ballots, statements, tally
3 sheets, lists, and envelopes to the municipal clerk.

4 (b) The municipal clerk shall arrange for delivery of all ballots, statements,
5 tally sheets, lists, and envelopes relating to a school district or metropolitan service
6 district election to the school district or metropolitan service district clerk,
7 respectively. The municipal clerk shall deliver the ballots, statements, tally sheets,
8 lists, and envelopes for his or her municipality relating to any county, technical
9 college district, state, or national election to the county clerk by 2 p.m. on the day
10 following each such election. The person delivering the returns shall be paid out of
11 the municipal treasury. Each clerk shall retain ballots, statements, tally sheets, or
12 envelopes received by the clerk until destruction is authorized under s. 7.23 (1).

13 **SECTION 11.** 7.53 (3m) of the statutes is created to read:

14 **7.53 (3m) METROPOLITAN SERVICE DISTRICT ELECTIONS.** The metropolitan service
15 district clerk shall appoint 2 qualified electors of the district prior to the date of the
16 election being canvassed, who shall, with the clerk, constitute the metropolitan
17 service district board of canvassers. The clerk shall appoint an individual to fill any
18 temporary vacancy on the board of canvassers. The canvass shall begin as soon as
19 possible after receipt of the returns and shall continue, without adjournment, until
20 completed. The board of canvassers may return defective returns to the municipal
21 board of canvassers in the manner provided in s. 7.60 (3). The board of canvassers
22 shall prepare a written statement showing the numbers of votes cast for each person
23 for each office and shall prepare a determination showing the names of the persons
24 who are elected to the metropolitan service district commission. Following each
25 primary election, the board of canvassers shall prepare a statement certifying the

1 names of the persons who have won nomination to the metropolitan service district
2 commission. Each statement and determination shall be attested by each of the
3 canvassers. The board of canvassers shall file each statement and determination in
4 the metropolitan service district office.

5 **SECTION 12.** 8.10 (6) (e) of the statutes is created to read:

6 8.10 (6) (e) For members of a metropolitan service district commission, with the
7 metropolitan service district clerk.

8 **SECTION 13.** 8.11 (2f) of the statutes is created to read:

9 8.11 (2f) METROPOLITAN SERVICE DISTRICT COMMISSIONS. A primary shall be held
10 in a metropolitan service district whenever there are more than twice the number
11 of candidates to be elected members of the metropolitan service district commission,
12 or, if the district elects board members from apportioned areas, more than twice as
13 many candidates as are to be elected commissioners of directors from any
14 apportioned area.

15 **SECTION 14.** 9.10 (1) (a) of the statutes is amended to read:

16 9.10 (1) (a) The qualified electors of the state,; of any county, city, village, or
17 town,; of any congressional, legislative, judicial, or school district,; of any
18 metropolitan service district; or of any prosecutorial unit may petition for the recall
19 of any incumbent elective official by filing a petition with the same official or agency
20 with whom nomination papers or declarations of candidacy for the office are filed
21 demanding the recall of the officeholder.

22 **SECTION 15.** 9.10 (1) (b) of the statutes is amended to read:

23 9.10 (1) (b) Except as provided in par. (c), a petition for recall of a state,
24 congressional, legislative, judicial, or county officer shall be signed by electors equal
25 to at least 25% of the vote cast for the office of governor at the last election within the

1 same district or territory as that of the officeholder being recalled. Except as
2 provided in par. (c), a petition for the recall of a city, village, town, metropolitan
3 service district, or school district officer shall be signed by electors equal to at least
4 25% of the vote cast for the office of president at the last election within the same
5 district or territory as that of the officeholder being recalled.

6 **SECTION 16.** 9.10 (2) (d) of the statutes is amended to read:

7 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
8 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
9 filing officer with whom the petition is filed. The petitioner shall append to the
10 registration a statement indicating his or her intent to circulate a recall petition, the
11 name of the officer for whom recall is sought and, in the case of a petition for the recall
12 of a city, village, town, metropolitan service district, or school district officer, a
13 statement of a reason for the recall which is related to the official responsibilities of
14 the official for whom removal is sought. No petitioner may circulate a petition for
15 the recall of an officer prior to completing registration. The last date ~~that~~ on which
16 a petition for the recall of a state, congressional, legislative, judicial, or county officer
17 may be offered for filing is 5 p.m. on the 60th day commencing after registration. The
18 last date ~~that~~ on which a petition for the recall of a city, village, town, metropolitan
19 service district, or school district officer may be offered for filing is 5 p.m. on the 30th
20 day commencing after registration. After the recall petition has been offered for
21 filing, no name may be added or removed. No signature may be counted unless the
22 date of the signature is within the period provided in this paragraph.

23 **SECTION 17.** 9.10 (3) (a) of the statutes is amended to read:

24 9.10 (3) (a) This subsection applies to the recall of all elective officials other
25 than city, village, town, metropolitan service district, and school district officials.

1 City, village, town, metropolitan service district, and school district officials are
2 recalled under sub. (4).

3 **SECTION 18.** 9.10 (4) (a) of the statutes is amended to read:

4 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
5 metropolitan service district, or school district official, is offered for filing, the officer
6 against whom the petition is filed may file a written challenge with the ~~municipal~~
7 ~~clerk or board of election commissioners or school district clerk~~ official or agency with
8 whom it ~~the petition~~ is filed, specifying any alleged insufficiency. If a challenge is
9 filed, the petitioner may file a written rebuttal to the challenge with the ~~clerk or~~
10 ~~board of election commissioners~~ official or agency within 5 days after the challenge
11 is filed. If a rebuttal is filed, the officer against whom the petition is filed may file
12 a reply to any new matter raised in the rebuttal within 2 days after the rebuttal is
13 filed. Within 14 days after the expiration of the time allowed for filing a reply to a
14 rebuttal, the ~~clerk or board of election commissioners~~ official or agency shall file the
15 certificate or an amended certificate. Within 31 days after the petition is offered for
16 filing, the ~~clerk or board of election commissioners~~ official or agency shall determine
17 by careful examination of the face of the petition whether the petition is sufficient
18 and shall so state in a certificate issued by the official or agency and attached to the
19 petition. If the petition is found to be insufficient, the certificate shall state the
20 particulars creating the insufficiency. The petition may be amended to correct any
21 insufficiency within 5 days following the affixing of the original certificate. Within
22 2 days after the offering of the amended petition for filing, the ~~clerk or board of~~
23 ~~election commissioners~~ official or agency shall again carefully examine the face of the
24 petition to determine sufficiency and shall attach to the petition a certificate stating
25 the findings. Immediately upon finding an original or amended petition sufficient,

1 except in cities over 500,000 population, ~~the municipal clerk or school district clerk~~
2 and except with regard to a member of a metropolitan service district commission,
3 the official shall transmit the petition to the governing body or to the school board.
4 ~~Immediately~~ Except with regard to a member of a metropolitan service district
5 commission, immediately upon finding an original or amended petition sufficient, in
6 cities over 500,000 population, the board of election commissioners shall file the
7 petition in its office. Immediately upon finding an original or amended petition
8 sufficient, with regard to a member of a metropolitan service district commission, the
9 metropolitan service district clerk shall file the petition in his or her office and shall
10 transmit a copy of the petition to the governing body of each city, village, and town
11 that has territory within the jurisdiction of the metropolitan service district.

12 **SECTION 19.** 9.10 (4) (d) of the statutes is amended to read:

13 9.10 (4) (d) Promptly upon receipt of a certificate or copy of the certificate issued
14 under par. (a), the governing body, school board, or board of election commissioners
15 shall call a recall election. The recall election shall be held on the Tuesday of the 6th
16 week commencing after the date on which the certificate is filed, except that if
17 Tuesday is a legal holiday the recall election shall be held on the first day after
18 Tuesday which is not a legal holiday.

19 **SECTION 20.** 9.10 (7) of the statutes is amended to read:

20 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of
21 article XIII, section 12, of the constitution and to extend the same rights to electors
22 of cities, villages, towns, metropolitan service districts, and school districts.

23 **SECTION 21.** 10.05 of the statutes is amended to read:

24 **10.05 Posting of notice.** Unless specifically designated elsewhere, this
25 section applies to villages, towns and, school districts, and metropolitan service

1 districts. Whenever a notice is required to be published, a village, town ~~or~~, school
2 district, or metropolitan service district may post 3 notices in lieu of publication
3 under ch. 985 whenever there is not a newspaper published within the village, town
4 ~~or~~, school district, or metropolitan service district or whenever the governing body
5 of the village, town ~~or~~, school district, or metropolitan service district chooses to post
6 in order to supplement notice provided in a newspaper. Whenever the manner of
7 giving notice is changed by the governing body, the body shall give notice of the
8 change in the manner used before the change. Whenever posting is used, the notices
9 shall be posted no later than the day prescribed by law for publication, or, if that day
10 falls within the week preceding the election to be noticed, at least one week before
11 the election. All notices given for the same election shall be given in the same
12 manner.

13 **SECTION 22.** 10.07 (1) of the statutes is amended to read:

14 10.07 (1) Except as provided in sub. (2) in the case of voting machine ballots,
15 whenever any county clerk ~~or~~ and one or more municipal ~~or~~, school district, or
16 metropolitan service district clerks within the same county are directed to publish,
17 or whenever 2 or more municipal, school district, or metropolitan service district
18 clerks within the same county are directed to publish any notice or portion of a notice
19 under this chapter on the same date in the same newspaper, the text of which is
20 identical, the clerks may publish one notice only. The cost of publication of such
21 notice or the portion of the notice required shall be apportioned equally between the
22 county and each municipality ~~or~~, school district, or metropolitan service district
23 sharing in its publication.

24 **SECTION 23.** 11.02 (8) of the statutes is created to read:

1 11.02 (8) If the jurisdiction under sub. (3) is a metropolitan service district, the
2 appropriate clerk is the metropolitan service district clerk.

3 **SECTION 24.** 11.31 (1) (h) (intro.) of the statutes is amended to read:

4 11.31 (1) (h) (intro.) Candidates for any local office, who are elected from a
5 jurisdiction or district with less than 500,000 inhabitants according to the latest
6 federal census or census information on which the district is based, as certified by
7 the appropriate filing officer, and candidates for member of a metropolitan service
8 district commission, an amount equal to the greater of the following:

9 **SECTION 25.** 17.01 (11m) of the statutes is created to read:

10 17.01 (11m) By a member of a metropolitan service district commission, to the
11 commission. The commission shall immediately give a copy of each resignation
12 under this subsection to the elections board and to the chief executive officer of each
13 municipality that has territory within the jurisdiction of the district.

14 **SECTION 26.** 17.13 (intro.) of the statutes is amended to read:

15 **17.13 Removal of village, town, town sanitary district, school district,**
16 **technical college and district, family care district, and metropolitan**
17 **service district officers.** (intro.) Officers of towns, town sanitary districts,
18 villages, school districts, technical college districts ~~and~~, family care districts, and
19 metropolitan service districts may be removed as follows:

20 **SECTION 27.** 17.13 (3) of the statutes is amended to read:

21 17.13 (3) ALL OFFICERS. Any village, town, town sanitary district, school district
22 ~~or~~, technical college district, or metropolitan service district officer, elective or
23 appointive, including those embraced within subs. (1) and (2), by ~~the~~ a judge of the
24 circuit court of ~~the~~ a circuit wherein the village, town, town sanitary district, school

1 district ~~or~~, technical college district, or metropolitan service district is situated, for
2 cause.

3 **SECTION 28.** 17.27 (1f) of the statutes is created to read:

4 17.27 (1f) METROPOLITAN SERVICE DISTRICT COMMISSION. Except as provided in
5 s. 9.10, a vacancy in the office of any member of a metropolitan service district
6 commission may be filled by temporary appointment of the remaining members of
7 the commission. The temporary appointee shall serve until a successor is elected and
8 qualified. If the vacancy occurs in any year after the first Tuesday in April and on
9 or before December 1, the vacancy shall be filled for the residue of the unexpired
10 term, if any, at the date of the next spring election. If the vacancy occurs in any year
11 after December 1 or on or before the first Tuesday in April, the vacancy shall be filled
12 for the residue of the unexpired term, if any, at the 2nd succeeding spring election.

13 **SECTION 29.** 23.09 (19) (a) 2. of the statutes is amended to read:

14 23.09 (19) (a) 2. "Governmental unit" means a city, village, town, county, lake
15 sanitary district, as defined in s. 30.50 (4q), public inland lake protection and
16 rehabilitation district, or metropolitan service district under subch. VI of ch. 229
17 which provides parks and recreation services under s. 229.863 (2) (d), or the Kickapoo
18 reserve management board.

19 **SECTION 30.** 23.09 (20) (ab) 1. of the statutes is amended to read:

20 23.09 (20) (ab) 1. "Governmental unit" means a municipality, a metropolitan
21 service district under subch. VI of ch. 229 which provides parks and recreation
22 services under s. 229.863 (2) (d), or the Kickapoo reserve management board.

23 **SECTION 31.** 23.09 (20m) (a) 1. of the statutes is amended to read:

24 23.09 (20m) (a) 1. "Governmental unit" means a city, village, town, county, or
25 metropolitan service district under subch. VI of ch. 229 which provides parks and

1 recreation services under s. 229.863 (2) (d), or the Kickapoo reserve management
2 board.

3 **SECTION 32.** 23.0917 (4m) (a) 3. of the statutes is amended to read:

4 23.0917 (4m) (a) 3. “Local governmental unit” means a city, village, town,
5 county, lake sanitary district, as defined in s. 30.50 (4q), ~~or a~~ public inland lake
6 protection and rehabilitation district, or metropolitan service district under subch.
7 VI of ch. 229 which provides parks and recreation services under s. 229.863 (2) (d).

8 **SECTION 33.** 23.094 (1) of the statutes is amended to read:

9 23.094 (1) DEFINITION. In this section, “political subdivision” means a city,
10 village, town, county, lake sanitary district, as defined in s. 30.50 (4q), ~~or~~ public
11 inland lake protection and rehabilitation district, or metropolitan service district
12 under subch. VI of ch. 229 which provides parks and recreation services under s.
13 229.863 (2) (d).

14 **SECTION 34.** 25.50 (1) (d) of the statutes is amended to read:

15 25.50 (1) (d) “Local government” means any county, town, village, city, power
16 district, sewerage district, drainage district, town sanitary district, public inland
17 lake protection and rehabilitation district, local professional baseball park district
18 created under subch. III of ch. 229, family care district under s. 46.2895, local
19 professional football stadium district created under subch. IV of ch. 229, local
20 cultural arts district created under subch. V of ch. 229, metropolitan service district
21 under subch. VI of ch. 229, public library system, school district or technical college
22 district in this state, any commission, committee, board or officer of any
23 governmental subdivision of this state, any court of this state, other than the court
24 of appeals or the supreme court, or any authority created under s. 231.02, 233.02 or
25 234.02.

1 **SECTION 35.** 27.01 (3) of the statutes is amended to read:

2 **27.01 (3) TRANSFER OF STATE PARK LAND TO MUNICIPALITIES.** The department may
3 not transfer the ownership of any state park or land within any state park to any
4 ~~county, city, village or, town,~~ county, or metropolitan service district under subch. VI
5 of ch. 229 which provides parks and recreation services under s. 229.863 (2) (d) unless
6 ~~it the department~~ receives the approval of the joint committee on finance regarding
7 the appropriate level of reimbursement to be received by the state to reflect the
8 state's cost in acquiring and developing the state park or land within the state park.

9 **SECTION 36.** 27.075 (1) of the statutes is amended to read:

10 **27.075 (1)** The county board of any county with a population of less than
11 500,000 is hereby vested with all powers of a local, legislative, and administrative
12 character for the purpose of governing, managing, controlling, improving, and caring
13 for public parks, parkways, boulevards, and pleasure drives; and to carry out these
14 powers in districts which it may create for different purposes, or throughout the
15 county, and for such purposes to levy county taxes, to issue bonds, assessment
16 certificates, and improvement bonds, or any other evidence of indebtedness. The
17 powers hereby conferred under this section may be exercised by the county board in
18 ~~any town, city or village~~ city, village, or town, or part thereof located in ~~such the~~
19 county upon the request of any such ~~town, city or village~~ city, village, or town,
20 evidenced by a resolution adopted by a majority vote of the members-elect of its
21 governing body, designating the particular park function, duty, or act, and the terms,
22 if any, upon which the same shall be exercised by the county board. ~~Such~~ The
23 resolution shall state whether the authority or function is to be exercised exclusively
24 by the county or jointly by the county and the ~~town, city or village~~ city, village, or
25 town, and shall also state that the exercise of ~~such the~~ power by the county is in the

1 public interest. Upon the receipt of the resolution, the county board may, by a
2 resolution adopted by a majority vote of its membership, elect to assume the exercise
3 of ~~such~~ the authority or function, upon the terms and conditions set forth in the
4 resolution presented by the ~~town, city or village~~ city, village, or town. A city, village,
5 or town whose parks and recreation services are provided under s. 229.863 (2) (d) by
6 a metropolitan service district under subch. VI of ch. 229 may negotiate the
7 termination of any agreement entered into with a county under this subsection.

8 **SECTION 37.** 27.075 (2) of the statutes is amended to read:

9 27.075 (2) The county board of any ~~such~~ county may, by a resolution adopted
10 by a majority of its membership, propose to the ~~towns, cities and villages~~ cities,
11 villages, and towns located in ~~such~~ the county, or any of them, that it offers to exercise
12 ~~such~~ the powers and functions ~~therein in order that are necessary~~ to consolidate
13 municipal park services and functions in said the county. ~~Such~~ The resolution shall
14 designate the particular function, duty, or act and the terms and conditions, if any,
15 upon which the county board will perform the same. The powers conferred in sub.
16 (1) and designated in ~~such~~ the resolution may thereafter be exercised by the county
17 board in each ~~such town, city or village which shall accept such~~ city, village, or town
18 which accepts the proposal by the adoption of a resolution by a majority vote of the
19 members-elect of its governing body, except that no governing body may accept any
20 proposal described under this subsection unless it contains a provision under which
21 the city, village, or town may terminate its agreement with the county if the city,
22 village, or town wishes to have its parks and recreation services provided under s.
23 229.863 (2) (d) by a metropolitan service district under subch. VI of ch. 229.

24 **SECTION 38.** 27.075 (3) of the statutes is amended to read:

1 27.075 (3) After the adoption of resolutions by the county board, the county
2 board ~~shall have full power to~~ may legislate upon and administer the entire subject
3 matter committed to it, ~~and among other things, to~~ and may determine, where not
4 otherwise provided by law, the manner of exercising the power thus assumed. No
5 county may exercise any power under this section in a city, village, or town whose
6 parks and recreation services are provided under s. 229.863 (2) (d) by a metropolitan
7 service district under subch. VI of ch. 229.

8 **SECTION 39.** 27.075 (4) of the statutes is amended to read:

9 27.075 (4) ~~The town, city or village concerned~~ A city, village, or town may enter
10 into ~~necessary contracts~~ a contract with the county, and appropriate money to pay
11 the county, for the reasonable expenses incurred in rendering the park services
12 assumed. ~~Such~~ ^{PLAIN SPACE} The contract shall provide a procedure for the termination of the
13 contract by any city, village, or town that wishes to have its parks and recreation
14 services provided under s. 229.863 (2) (d) by a metropolitan service district under
15 subch. VI of ch. 229. The expenses may be certified, returned, and paid as are other
16 county charges, and, in the case of services performed pursuant to under a proposal
17 for the consolidation thereof of municipal park services initiated by the county board
18 and made available to each town, city and village city, village, and town in the county
19 on the same terms, the expenses thereof shall be certified, returned, and paid as
20 county charges; but in the event that each and every town, city and village if every
21 city, village, and town in the county shall accept such accepts the proposal of the
22 county board the expenses thereof shall be paid by county taxes to be levied and
23 collected as are other taxes for county purposes. Said towns, cities and villages are
24 vested with all necessary power to do the things herein required, and to do all things
25 and to exercise or relinquish any of the powers herein provided or contemplated. The

1 procedure ~~herein~~ provided in this section for the request or acceptance of the exercise
2 of the powers conferred on the county board in cities and villages is ~~hereby prescribed~~
3 as a special method of determining the local affairs and government of such cities and
4 villages pursuant to article XI, section 3, of the constitution.

5 SECTION 40. 27.08 (1) of the statutes is amended to read:

6 27.08 (1) Every city that does not have its parks and recreation services
7 provided under s. 229.863 (2) (d) by a metropolitan service district under subch. VI
8 of ch. 229 may by ordinance create a board of park commissioners subject to this
9 section, or otherwise as provided by ordinance. ~~Such, and if the city has a board of~~
10 park commissioners the city shall terminate that board and end the board's authority
11 under this section upon the city's decision to have its parks and recreation services
12 provided under s. 229.863 (2) (d). The board shall be organized as directed by the
13 common council shall provide.

14 SECTION 41. 27.08 (3) of the statutes is amended to read:

15 27.08 (3) ~~In any city having no~~ If a city does not have a board of park
16 commissioners ~~its and its parks and recreation services are not provided under s.~~
17 229.863 (2) (d) by a metropolitan service district under subch. VI of ch. 229, the city's
18 public parks, parkways, boulevards, and pleasure drives shall be under the charge
19 of its board of public works, if it has such last named board; otherwise or, if it does
20 not have such a board, under the charge of its common council. When so in charge,
21 the board of public works or the common council may exercise all of the powers of a
22 board of park commissioners. Upon a city's decision to have its parks and recreation
23 services provided under s. 229.863 (2) (d), the city's board of public works or common
24 council may not exercise any authority under this section.

25 SECTION 42. 30.277 (1b) (a) of the statutes is amended to read:

30.277 (1b) (a) “Governmental unit” means a city, village, town, county, or metropolitan service district under subch. VI of ch. 229 which provides parks and recreation services under s. 229.863 (2) (d), or the Kickapoo reserve management board.

SECTION 43. 59.69 (2) (g) of the statutes is created to read:

59.69 (2) (g) 1. Subject to subd. 2., not later than the first day of the 7th month after the effective date of this subdivision [revisor inserts date], the county zoning agency shall designate the boundaries of all urbanized areas in the county, based on at least all of the following factors:

- a. Population density.
- b. Compactness.
- c. Community of interests.
- d. Cost effectiveness of service delivery.

2. A county zoning agency may act under subd. 1. only if the county is not part of a regional planning commission. If a county is not part of a regional planning commission, the zoning agency may contract with any regional planning commission to designate the urbanized areas of the county, based on the factors listed in, and subject to the time limits specified in, subd. 1.

3. Following an initial designation of urbanized areas under this paragraph, a county zoning agency, or regional planning commission under subd. 2., shall redesignate urbanized areas of the county every ¹⁰~~10~~ years, based on the factors listed in subd. 1., unless an earlier redesignation is requested under s. 229.863 (4) (b). ✓

4. The boundaries of an urbanized area may consist of any combination of the whole of any city, the whole of any village, or the whole or part of any town.

****NOTE: Your instructions imply that redesignations of urban areas may occur, i.e. the 9/13 memo states that "Once a district is created, it will continue in effect, even if the urbanized area designation is removed." Is the 5 year interval for county or RPC redesignation in subd. 3. and in s. 66.0309 (8) (c) consistent with your intent?

1 **SECTION 44.** 59.69 (5) (c) of the statutes is amended to read:

2 59.69 (5) (c) A county ordinance enacted under this section shall not be effective
3 in any town until it has been approved by the town board. If the town board approves
4 an ordinance enacted by the county board, under this section, a certified copy of the
5 approving resolution attached to one of the copies of such ordinance submitted to the
6 town board shall promptly be filed with the county clerk by the town clerk. The
7 ordinance shall become effective in the town as of the date of the filing, which filing
8 shall be recorded by the county clerk in the clerk's office, reported to the town board
9 and the county board, and printed in the proceedings of the county board. The
10 ordinance shall supersede any prior town ordinance in conflict therewith or which
11 is concerned with zoning, except as provided by s. 60.62 or by s. 229.863 (3) (d).

12 **SECTION 45.** 59.69 (7) of the statutes is amended to read:

13 59.69 (7) CONTINUED EFFECT OF ORDINANCE. Whenever an area which has been
14 subject to a county zoning ordinance petitions to become part of a city or village, the
15 regulations imposed by the county zoning ordinance shall continue in effect, without
16 change, and shall be enforced by the city or village until the regulations have been
17 changed by official action of the governing body of the city or village, except that in
18 the event an ordinance of annexation is contested in the courts, the county zoning
19 shall prevail and the county shall have jurisdiction over the zoning in the area
20 affected until ultimate determination of the court action. Whenever an area which
21 has been subject to a county zoning ordinance becomes part of a metropolitan service
22 district under subch. VI of ch. 229 and the metropolitan service district provides
23 zoning services under s. 229.863 (2) (e), that town territory is not subject to a county

1 zoning ordinance and the county zoning ordinance may not be enforced within the
2 town.

3 **SECTION 46.** 60.61 (3) (d) of the statutes is created to read:

4 60.61 (3) (d) The town is not subject to zoning authority that is exercised by a
5 municipal service district under s. 229.863 (2) (e).

6 **SECTION 47.** 60.62 (1) of the statutes is amended to read:

7 60.62 (1) Subject to subs. (2), (3), (3m), and (4), if a town board has been granted
8 authority to exercise village powers under s. 60.10 (2) (c), the board may adopt zoning
9 ordinances under s. 61.35.

10 **SECTION 48.** 60.62 (3m) of the statutes is created to read:

11 60.62 (3m) The town board may not exercise authority under sub. (1) if the
12 town is part of a metropolitan service district that exercises zoning authority under
13 s. 229.863 (2) (e).

14 **SECTION 49.** 61.65 (1) (a) 2. of the statutes is amended to read:

15 61.65 (1) (a) 2. Contracting for police protective services with a city or town,
16 with another village or with the county in which the village is located. A village that
17 contracts for police protective services under this subdivision shall pay the full cost
18 of services provided.

19 **SECTION 50.** 61.65 (1) (a) 4. of the statutes is created to read:

20 61.65 (1) (a) 4. Contracting for police protective services with a metropolitan
21 services district that provides such service under s. 229.863 (2) (h) and (3) (e).

22 **SECTION 51.** 61.65 (2) (a) 2. of the statutes is amended to read:

23 61.65 (2) (a) 2. Contracting for fire protection services with a city or town or
24 with another village. A village that contracts for fire protection services under this
25 subdivision shall pay the full cost of services provided.

1 **SECTION 52.** 61.65 (2) (a) 5. of the statutes is created to read:

2 61.65 (2) (a) 5. Contracting for fire protection services with a metropolitan
3 service district that provides such services under s. 229.863 (2) (c) and (3) (e).

4 **SECTION 53.** 62.13 (1) of the statutes is amended to read:

5 62.13 (1) COMMISSIONERS. Except as provided in ~~sub.~~ subs. (2m) and (2s), each
6 city shall have a board of police and fire commissioners consisting of 5 citizens, 3 of
7 whom shall constitute a quorum. The mayor shall annually, between the last
8 Monday of April and the first Monday of May, appoint in writing to be filed with the
9 secretary of the board, one member for a term of 5 years. No appointment shall be
10 made which will result in more than 3 members of the board belonging to the same
11 political party. The board shall keep a record of its proceedings.

12 **SECTION 54.** 62.13 (2s) of the statutes is created to read:

13 62.13 (2s) METROPOLITAN SERVICE DISTRICTS, CONTRACT SERVICES. A city may
14 provide for police protective services by contracting with a metropolitan service
15 district that provides such services under s. 229.863 (2) (h) and (3) (e).

16 **SECTION 55.** 62.13 (8) of the statutes is amended to read:

17 62.13 (8) FIRE DEPARTMENT. The council may provide by ordinance for either a
18 paid or a volunteer fire department and for the management and equipment of either
19 insofar as not otherwise provided for by law. In the case where a combination of paid
20 and volunteer fire department is provided for, such city shall be reimbursed by the
21 department of transportation, not to exceed \$500 for any fire calls on a state trunk
22 highway or on any highway that is a part of the national system of interstate
23 highways and is maintained by the department of transportation. A city may also
24 provide for fire protection services by contracting with a metropolitan services
25 district that provides such services under s. 229.863 (2) (c) and (3) (e).

1 **SECTION 56.** 66.0217 (2) of the statutes is amended to read:

2 66.0217 (2) DIRECT ANNEXATION BY UNANIMOUS APPROVAL. If Except as provided
3 in s. 229.864 (4), if a petition for direct annexation signed by all of the electors
4 residing in the territory and the owners of all of the real property in the territory is
5 filed with the city or village clerk, and with the town clerk of the town or towns in
6 which the territory is located, together with a scale map and a legal description of
7 the property to be annexed, an annexation ordinance for the annexation of the
8 territory may be enacted by a two-thirds vote of the elected members of the
9 governing body of the city or village without compliance with the notice requirements
10 of sub. (4). In an annexation under this subsection, subject to sub. (6), the person
11 filing the petition with the city or village clerk and the town clerk shall, within 5 days
12 of the filing, mail a copy of the scale map and a legal description of the territory to
13 be annexed to the department and the governing body shall review the advice of the
14 department, if any, before enacting the annexation ordinance.

15 **SECTION 57.** 66.0217 (3) (a) (intro.) of the statutes is amended to read:

16 66.0217 (3) (a) *Direct annexation by one-half approval.* (intro.) ~~A~~ ^{STRIKE} Except as ^{XTRA SPACES}
17 provided in s. 229.864 (4), a petition for direct annexation may be filed with the city
18 or village clerk if it has been signed by either of the following:

19 **SECTION 58.** 66.0217 (3) (b) (intro.) of the statutes is amended to read:

20 66.0217 (3) (b) *Annexation by referendum.* (intro.) ~~A~~ ^{STRIKE} Except as provided in s. ^{XTRA SPACES}
21 229.864 (4), a petition for a referendum on the question of annexation may be filed
22 with the city or village clerk signed by a number of qualified electors residing in the
23 territory equal to at least 20% of the votes cast for governor in the territory at the last
24 gubernatorial election, and the owners of at least 50% of the real property either in
25 area or assessed value. The petition shall conform to the requirements of s. 8.40.

1 **SECTION 59.** 66.0219 (intro.) of the statutes is amended to read:

2 **66.0219 Annexation by referendum initiated by city or village.** (intro.)

3 As a complete alternative to any other annexation procedure, and subject to s.
4 66.0307 (7) and s. 229.864 (4), unincorporated territory which contains electors and
5 is contiguous to a city or village may be annexed to the city or village under this
6 section. The definitions in s. 66.0217 (1) apply to this section.

7 **SECTION 60.** 66.0221 (1) of the statutes is amended to read:

8 66.0221 (1) Upon its own motion and except as provided in s. 229.864 (4), a city
9 or village, by a two-thirds vote of the entire membership of its governing body, may
10 enact an ordinance annexing territory which comprises a portion of a town or towns
11 and which was completely surrounded by territory of the city or village on
12 December 2, 1973. The ordinance shall include all surrounded town areas except
13 those that are exempt by mutual agreement of all of the governing bodies involved.
14 The annexation ordinance shall contain a legal description of the territory and the
15 name of the town or towns from which the territory is detached. Upon enactment of
16 the ordinance, the city or village clerk immediately shall file 6 certified copies of the
17 ordinance in the office of the secretary of state, together with 6 copies of a scale map.
18 The secretary of state shall forward 2 copies of the ordinance and scale map to the
19 department of transportation, one copy to the department of natural resources, one
20 copy to the department of revenue and one copy to the department of administration.
21 This subsection does not apply if the town island was created only by the annexation
22 of a railroad right-of-way or drainage ditch. This subsection does not apply to land
23 owned by a town government which has existing town government buildings located
24 on the land. No town island may be annexed under this subsection if the island
25 consists of over 65 acres or contains over 100 residents. Section 66.0217 (11) applies

1 to annexations under this subsection. Except as provided in sub. (2), after
2 December 2, 1973, no city or village may, by annexation, create a town area which
3 is completely surrounded by the city or village.

4 **SECTION 61.** 66.0223 of the statutes is amended to read:

5 **66.0223 Annexation of territory owned by a city or village.** In addition
6 to other methods provided by law and subject to ss. 59.692 (7) and, 66.0307 (7), and
7 229.864 (4), territory owned by and lying near but not necessarily contiguous to a
8 village or city may be annexed to a village or city by ordinance enacted by the board
9 of trustees of the village or the common council of the city, provided that in the case
10 of noncontiguous territory the use of the territory by the city or village is not contrary
11 to any town or county zoning regulation. The ordinance shall contain the exact
12 description of the territory annexed and the names of the towns from which
13 detached, and attaches the territory to the village or city upon the filing of 7 certified
14 copies of the ordinance in the office of the secretary of state, together with 7 copies
15 of a plat showing the boundaries of the territory attached. Two copies of the
16 ordinance and plat shall be forwarded by the secretary of state to the department of
17 transportation, one copy to the department of administration, one copy to the
18 department of natural resources, one copy to the department of revenue and one copy
19 to the department of public instruction. Within 10 days of filing the certified copies,
20 a copy of the ordinance and plat shall be mailed or delivered to the clerk of the county
21 in which the annexed territory is located. Section 66.0217 (11) applies to annexations
22 under this section.

23 **SECTION 62.** 66.0301 (1) (a) of the statutes is amended to read:

24 **66.0301 (1) (a)** In this section “municipality” means the state or any
25 department or agency thereof, or any city, village, town, county, school district, public

1 library system, public inland lake protection and rehabilitation district, sanitary
2 district, farm drainage district, metropolitan sewerage district, sewer utility district,
3 solid waste management system created under s. 59.70 (2), local exposition district
4 created under subch. II of ch. 229, local professional baseball park district created
5 under subch. III of ch. 229, local professional football stadium district created under
6 subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229,
7 metropolitan service district created under subch. VI of ch. 229, family care district
8 under s. 46.2895, water utility district, mosquito control district, municipal electric
9 company, county or city transit commission, commission created by contract under
10 this section, taxation district, regional planning commission, or city-county health
11 department.

12 **SECTION 63.** 66.0309 (8) (c) of the statutes is created to read:

13 66.0309 (8) (c) 1. Subject to subd. 2., not later than the first day of the 7th month
14 after the effective date of this subdivision [revisor inserts date], each regional
15 planning commission shall designate the boundaries of all urbanized areas in the
16 region, based on at least all of the following factors:

- 17 a. Population density.
18 b. Compactness.
19 c. Community of interests.
20 d. Cost effectiveness of service delivery.

21 2. Following an initial designation of urbanized areas under this paragraph,
22 a regional planning commission shall redesignate urbanized areas of the ^{region}~~county~~ ✓
(23) every ¹⁰~~4~~ years, based on the factors listed in subd. 1., *unless an earlier redesignation*
24 3. The boundaries of an urbanized area may consist of any combination of the *is requested under s. 229.863(4)(h).*
25 whole of any city, the whole of any village, or the whole or part of any town.

1 **SECTION 64.** 66.0615 (1) (bs) of the statutes is created to read:

2 66.0615 (1) (bs) “Metropolitan service district” has the meaning given for
3 “district” in s. 229.86 (3).

4 **SECTION 65.** 66.0615 (1m) (a) of the statutes is amended to read:

5 66.0615 (1m) (a) The governing body of a municipality may enact an ordinance,
6 and a district, under par. (e), and a metropolitan service district, under par. (em), may
7 adopt a resolution, imposing a tax on the privilege of furnishing, at retail, except
8 sales for resale, rooms or lodging to transients by hotelkeepers, motel operators and
9 other persons furnishing accommodations that are available to the public,
10 irrespective of whether membership is required for use of the accommodations. A tax
11 imposed under this paragraph is not subject to the selective sales tax imposed by s.
12 77.52 (2) (a) 1. and may not be imposed on sales to the federal government and
13 persons listed under s. 77.54 (9a). A tax imposed under this paragraph by a
14 municipality shall be paid to the municipality and may be forwarded to a commission
15 if one is created under par. (c), as provided in par. (d). A tax imposed under this
16 paragraph by a metropolitan service district shall be paid to the district. Except as
17 provided in par. (am), a tax imposed under this paragraph by a municipality or by
18 a metropolitan service district may not exceed 8%. Except as provided in par. (am),
19 if a tax greater than 8% under this paragraph is in effect on May 13, 1994, the
20 municipality imposing the tax shall reduce the tax to 8%, effective on June 1, 1994.

21 **SECTION 66.** 66.0615 (1m) (em) of the statutes is created to read:

22 66.0615 (1m) (em) 1. The governing body of a metropolitan service district may
23 adopt a resolution imposing a room tax under par. (a) if none of the municipalities
24 within the metropolitan service district’s jurisdiction under s. 229.862, that are also
25 part of the district, impose such a tax and if all such municipalities enact an

1 ordinance authorizing the metropolitan service district to impose the tax under par.
2 (a). A tax imposed under par. (a) applies within every municipality that is both
3 located within the metropolitan service district's jurisdiction and that is part of the
4 metropolitan service district.

5 2. If a metropolitan service district stops imposing and collecting a room tax,
6 the municipalities within the district's jurisdiction that are also a part of the district
7 may impose a room tax under par. (a).

8 **SECTION 67.** 66.0615 (2) (intro.) of the statutes is amended to read:

9 66.0615 (2) (intro.) As a means of enforcing the collection of any room tax
10 imposed by a municipality ~~or, a district, or a metropolitan service district~~ under sub.
11 (1m), the municipality ^{PLAIN SPACE} ~~or, district, or metropolitan service district~~ may exchange
12 audit and other information with the department of revenue and may do any of the
13 following:

14 **SECTION 68.** 66.0615 (2) (a) of the statutes is amended to read:

15 66.0615 (2) (a) If a municipality ~~or, district, or metropolitan service district~~ has
16 probable cause to believe that the correct amount of room tax has not been assessed
17 or that the tax return is not correct, inspect and audit the financial records of any
18 person subject to sub. (1m) pertaining to the furnishing of accommodations to
19 determine whether the correct amount of room tax is assessed and whether any room
20 tax return is correct.

21 **SECTION 69.** 66.0615 (2) (d) of the statutes is amended to read:

22 66.0615 (2) (d) Require each person who is subject to par. (c) to pay an amount
23 of taxes that the municipality ~~or, district, or metropolitan service district~~ determines
24 to be due under par. (c) plus interest at the rate of 1% per month on the unpaid
25 balance. No refund or modification of the payment determined may be granted until

1 the person files a correct room tax return and permits the municipality ~~or~~, district,
2 or metropolitan service district to inspect and audit his or her financial records under
3 par. (a).

4 **SECTION 70.** 66.0615 (3) of the statutes is amended to read:

5 66.0615 (3) The municipality shall provide by ordinance and the district or
6 metropolitan service district shall provide by resolution for the confidentiality of
7 information obtained under sub. (2) but shall provide exceptions for persons using
8 the information in the discharge of duties imposed by law or of the duties of their
9 office or by order of a court. The municipality ~~or~~, district, or metropolitan service
10 district may provide for the publishing of statistics classified so as not to disclose the
11 identity of particular returns. The municipality ~~or~~, district, or metropolitan service
12 district shall provide that persons violating ordinances or resolutions enacted under
13 this subsection may be required to forfeit not less than \$100 nor more than \$500.

14 **SECTION 71.** 66.0617 (1) (a) of the statutes is amended to read:

15 66.0617 (1) (a) “Capital costs” means the capital costs to construct, expand, or
16 improve public facilities, including the cost of land, and including legal, engineering,
17 and design costs to construct, expand, or improve public facilities, except that not
18 more than 10% of capital costs may consist of legal, engineering, and design costs
19 unless the political subdivision or metropolitan service district can demonstrate that
20 its legal, engineering, and design costs which relate directly to the public
21 improvement for which the impact fees were imposed exceed 10% of capital costs.
22 “Capital costs” does not include other noncapital costs to construct, expand, or
23 improve public facilities or the costs of equipment to construct, expand, or improve
24 public facilities.

25 **SECTION 72.** 66.0617 (1) (c) of the statutes is amended to read:

1 66.0617 (1) (c) “Impact fees” means cash contributions, contributions of land
2 or interests in land, or any other items of value that are imposed on a developer by
3 a political subdivision or a metropolitan service district under this section.

4 **SECTION 73.** 66.0617 (1) (d) of the statutes is amended to read:

5 66.0617 (1) (d) “Land development” means the construction or modification of
6 improvements to real property that creates additional residential dwelling units
7 within a political subdivision or metropolitan service district or that results in
8 nonresidential uses that create a need for new, expanded, or improved public
9 facilities within a political subdivision or metropolitan service district.

10 **SECTION 74.** 66.0617 (1) (dg) of the statutes is created to read:

11 66.0617 (1) (dg) “Metropolitan service district” has the meaning given for
12 “district” in s. 229.86 (3).

13 **SECTION 75.** 66.0617 (1) (g) of the statutes is amended to read:

14 66.0617 (1) (g) “Service area” means a geographic area delineated by a political
15 subdivision or metropolitan service district within which there are public facilities.

16 **SECTION 76.** 66.0617 (1) (h) of the statutes is amended to read:

17 66.0617 (1) (h) “Service standard” means a certain quantity or quality of public
18 facilities relative to a certain number of persons, parcels of land, or other appropriate
19 measure, as specified by the political subdivision or metropolitan service district.

20 **SECTION 77.** 66.0617 (2) (a) of the statutes is amended to read:

21 66.0617 (2) (a) Subject to par. (am), a political subdivision may enact an
22 ordinance under this section, and a metropolitan service district may adopt a
23 resolution under this section, that imposes impact fees on developers to pay for the
24 capital costs that are necessary to accommodate land development.

1 **SECTION 78.** 66.0617 (2) (am) of the statutes is renumbered 66.0617 (2) (am)

2 1.

3 **SECTION 79.** 66.0617 (2) (am) 2. of the statutes is created to read:

4 66.0617 (2) (am) 2. No metropolitan service district may impose an impact fee
5 under this section for any purpose other than a purpose that is related to providing
6 a service that is specified in s. 229.863 (2) and (3).

 ****NOTE: Is the scope of services for which a district may impose an impact fee OK
 or is it too broad?

7 **SECTION 80.** 66.0617 (3) of the statutes is amended to read:

8 66.0617 (3) PUBLIC HEARING; NOTICE. Before ~~enacting~~ a political subdivision
9 enacts an ordinance or a metropolitan service district adopts a resolution that
10 imposes impact fees, or ~~amending~~ amends an existing ordinance or resolution that
11 imposes impact fees, a political subdivision or a metropolitan service district shall
12 hold a public hearing on the proposed ordinance or resolution or amendment. Notice
13 of the public hearing shall be published as a class 1 notice under ch. 985, and shall
14 specify where a copy of the proposed ordinance or resolution or amendment and the
15 public facilities needs assessment may be obtained.

16 **SECTION 81.** 66.0617 (4) (a) (intro.) of the statutes is amended to read:

17 66.0617 (4) (a) (intro.) Before enacting an ordinance or adopting a resolution
18 that imposes impact fees or amending an ordinance or resolution that imposes
19 impact fees by revising the amount of the fee or altering the public facilities for which
20 impact fees may be imposed, a political subdivision or a metropolitan service district
21 shall prepare a needs assessment for the public facilities for which it is anticipated
22 that impact fees may be imposed. The public facilities needs assessment shall
23 include, but not be limited to, the following:

1 **SECTION 82.** 66.0617 (4) (b) of the statutes is amended to read:

2 66.0617 (4) (b) A public facilities needs assessment or revised public facilities
3 needs assessment that is prepared under this subsection shall be available for public
4 inspection and copying in the office of the clerk of the political subdivision or in the
5 office of the secretary of the metropolitan service district commission at least 20 days
6 before the hearing under sub. (3).

7 **SECTION 83.** 66.0617 (5) of the statutes is amended to read:

8 66.0617 (5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted or
9 resolution adopted under this section may impose different impact fees on different
10 types of land development.

11 (b) An ordinance enacted or resolution adopted under this section may
12 delineate geographically defined zones within the political subdivision or
13 metropolitan service district and may impose impact fees on land development in a
14 zone that differ from impact fees imposed on land development in other zones within
15 the political subdivision or metropolitan service district. The public facilities needs
16 assessment that is required under sub. (4) shall explicitly identify the differences,
17 such as land development or the need for those public facilities, which justify the
18 differences between zones in the amount of impact fees imposed.

19 **SECTION 84.** 66.0617 (6) (intro.) of the statutes is amended to read:

20 66.0617 (6) STANDARDS FOR IMPACT FEES. (intro.) Impact fees imposed by an
21 ordinance enacted or resolution adopted under this section:

22 **SECTION 85.** 66.0617 (6) (b) of the statutes is amended to read:

23 66.0617 (6) (b) May not exceed the proportionate share of the capital costs that
24 are required to serve land development, as compared to existing uses of land within
25 the political subdivision or metropolitan service district.

1 **SECTION 86.** 66.0617 (6) (h) of the statutes is created to read:

2 66.0617 (6) (h) Shall be payable, no sooner than 90 days after final plat
3 approval, by the developer to the metropolitan service district either in full or in
4 installment payments that are approved by the metropolitan service district.

5 **SECTION 87.** 66.0617 (7) of the statutes is amended to read:

6 66.0617 (7) LOW-COST HOUSING. An ordinance enacted or resolution adopted
7 under this section may provide for an exemption from, or a reduction in the amount
8 of, impact fees on land development that provides low-cost housing, except that no
9 amount of an impact fee for which an exemption or reduction is provided under this
10 subsection may be shifted to any other development in the land development in
11 which the low-cost housing is located or to any other land development in the
12 political subdivision or metropolitan service district.

13 **SECTION 88.** 66.0617 (8) of the statutes is amended to read:

14 66.0617 (8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from impact
15 fees shall be placed in a segregated, interest-bearing account and shall be accounted
16 for separately from the other funds of the political subdivision or metropolitan
17 service district. Impact fee revenues and interest earned on impact fee revenues may
18 be expended only for capital costs for which the impact fees were imposed.

19 **SECTION 89.** 66.0617 (9) of the statutes is amended to read:

20 66.0617 (9) REFUND OF IMPACT FEES. An ordinance enacted or resolution adopted
21 under this section shall specify that impact fees that are imposed and collected by
22 a political subdivision or metropolitan service district but are not used within a
23 reasonable period of time after they are collected to pay the capital costs for which
24 they were imposed shall be refunded to the current owner of the property with
25 respect to which the impact fees were imposed. The ordinance or resolution shall

1 specify, by type of public facility, reasonable time periods within which impact fees
2 must be spent or refunded under this subsection. In determining the length of the
3 time periods under the ordinance or resolution, a political subdivision or
4 metropolitan service district shall consider what are appropriate planning and
5 financing periods for the particular types of public facilities for which the impact fees
6 are imposed.

7 **SECTION 90.** 66.0617 (10) of the statutes is amended to read:

8 66.0617 (10) APPEAL. A political subdivision that enacts an impact fee
9 ordinance under this section shall, by ordinance, and a metropolitan service district
10 that adopts an impact fee resolution under this section shall, by resolution, specify
11 a procedure under which a developer upon whom an impact fee is imposed has the
12 right to contest the amount, collection, or use of the impact fee to the governing body
13 of the political subdivision or metropolitan service district.

14 **SECTION 91.** 66.0617 (11) of the statutes is created to read:

15 66.0617 (11) TRANSFER OF UNUSED IMPACT FEES. If a city, village, or town
16 transfers title to any of its property or facilities to a metropolitan service district, as
17 described in s. 229.862 (6) (a), and if the city, village, or town has unspent impact fees
18 that were to be used for such property or facilities, the city, village, or town shall
19 transfer such impact fees to the metropolitan service district.

20 **SECTION 92.** 66.1021 (11) (a) of the statutes is amended to read:

21 66.1021 (11) (a) In lieu of providing transportation services, a city, village or
22 town may contract with a private organization for the services or, with respect to
23 mass transit services as defined in s. 229.863 (3) (f), a metropolitan service district
24 that provides services under s. 229.863 (2) (f).

25 **SECTION 93.** 66.1341 of the statutes is amended to read:

1 **66.1341 Towns to have certain city powers.** Towns have all of the powers
2 of cities under ss. 66.0923, 66.0925, 66.1201 to 66.1329 and 66.1331 to 66.1335,
3 except the powers under s. 66.1201 (10) and any other powers that conflict with
4 statutes relating to towns and town boards. As described in s. 229.864 (5), certain
5 towns have all of the powers of cities under s. 66.1105.

6 **SECTION 94.** 67.01 (5) of the statutes is amended to read:

7 67.01 (5) “Municipality” means any of the following which is authorized to levy
8 a tax: a county, city, village, town, school district, board of park commissioners,
9 technical college district, metropolitan sewerage district created under ss. 200.01 to
10 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60,
11 metropolitan service district under subch. VI of ch. 229, public inland lake protection
12 and rehabilitation district established under s. 33.23, 33.235, or 33.24, and any other
13 public body empowered to borrow money and issue obligations to repay the money
14 out of public funds or revenues. “Municipality” does not include the state.

15 **SECTION 95.** 70.11 (37m) of the statutes is created to read:

16 70.11 (37m) METROPOLITAN SERVICE DISTRICT. The property of a metropolitan
17 service district under subch. VI of ch. 229.

18 **SECTION 96.** 71.26 (1) (bm) of the statutes is amended to read:

19 71.26 (1) (bm) *Certain local districts.* Income of a local exposition district
20 created under subch. II of ch. 229, a local professional baseball park district created
21 under subch. III of ch. 229 ~~or~~, a local professional football stadium district created
22 under subch. IV of ch. 229 ~~or~~, a local cultural arts district created under subch. V of
23 ch. 229, or a metropolitan service district created under subch. VI of ch. 229.

24 **SECTION 97.** 77.25 (18m) of the statutes is created to read:

25 77.25 (18m) To a metropolitan service district under subch. VI of ch. 229.

1 **SECTION 98.** 77.54 (9a) (i) of the statutes is created to read:

2 77.54 (9a) (i) A metropolitan service district under subch. VI of ch. 229.

3 **SECTION 99.** 79.035 (title) of the statutes is amended to read:

4 **79.035 (title) County and municipal aid; metropolitan service district**
5 **aid.**

6 **SECTION 100.** 79.035 (1) of the statutes is renumbered 79.035(1) (a) and
7 amended to read:

8 79.035 (1) (a) Subject to reductions under sub. (3) and s. 79.036 (3), in 2004 and
9 subsequent years, each county and municipality shall receive a payment from the
10 county and municipal aid account in an amount determined under sub. (2).

11 **SECTION 101.** 79.035 (1) (b) of the statutes is created to read:

12 79.035 (1) (b) In 2004 and subsequent years, each metropolitan service district
13 created under subch. VI of ch. 229 shall receive a payment from the county and
14 municipal aid account in an amount determined under sub. (3).

15 **SECTION 102.** 79.035 (3) of the statutes is created to read:

16 79.035 (3) For the distribution in 2004 and subsequent years, the payment
17 under sub. (2) to a municipality that is part of a metropolitan service district created
18 under subch. VI of ch. 229 shall be reduced by a percentage that represents the cost
19 of the services that the municipality transferred to the metropolitan service district
20 as compared to the cost of all services provided by the municipality, as determined
21 by the department of revenue, and the amount of such reduction shall be paid to the
22 metropolitan service district.

23 **SECTION 103.** 79.05 (1) (bm) of the statutes is created to read:

79.05 (1) (bm) Notwithstanding s. 79.005 (1), "municipality" means any town, village, or city in this state or a metropolitan service district created under subch. VI of ch. 229.

SECTION 104. 81.001 of the statutes is created to read:

^(B)
81.001 Definitions. In this chapter, "metropolitan service district" has the meaning given for "district" in s. 229.86 (3).

SECTION 105. 81.19 of the statutes is created to read:

^(B)
81.19 Highway defects; liability of metropolitan service district. A town, city, or village has a right of action against a metropolitan service district with which the town, city, or village has contracted to perform highway maintenance services under s. 229.863 (2) (g) if any damages recovered against the town, city, or village under s. 81.15 or 81.17 arise from the actions or omissions of the metropolitan service district in fulfilling its highway maintenance duties.

SECTION 106. 83.001 of the statutes is renumbered 83.001 (intro.) and amended to read:

PLAIN SPACE
83.001 ~~(Definition)~~ Definitions. (intro.) In this chapter, "department":

(1) "Department" means the department of transportation.

SECTION 107. 83.001 (2) of the statutes is created to read:

83.001 (2) "Metropolitan service district" has the meaning given for "district" in s. 229.86 (3).

SECTION 108. 83.018 of the statutes is amended to read:

83.018 Road supplies; committee may sell to municipalities. The county highway committee is authorized to sell road building and maintenance supplies on open account to any city, village, town or school district within the county, or to any metropolitan service district that provides services under s. 229.863 (2) (g) and any

1 part of which includes the county; and any such city, village, town ~~or~~ ^{✓ NO STRIKE} school district,
2 or metropolitan service district is authorized to purchase such supplies.

3 SECTION 109. 84.001 (1s) of the statutes is created to read:

4 84.001 (1s) "Metropolitan service commission" has the meaning given for
5 "commission" in s. 229.86 (2).

6 SECTION 110. 84.001 (1t) of the statutes is created to read:

7 84.001 (1t) "Metropolitan service district" has the meaning given for "district"
8 in s. 229.86 (3).

9 SECTION 111. 84.07 (1) of the statutes is amended to read:

10 84.07 (1) STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY. The state trunk
11 highway system shall be maintained by the state at state expense. The department
12 shall prescribe by rule specifications for such maintenance and may contract with
13 any county highway committee ~~or~~ ^{✓ NO STRIKE} municipality, or metropolitan service district that
14 provides services under s. 229.863 (2) (g) to have all or certain parts of the work of
15 maintaining the state trunk highways within or beyond the limits of the county or
16 municipality, including interstate bridges, performed by the county ~~or~~ ^{✓ NO STRIKE} municipality,
17 or metropolitan service district, and any county ~~or~~ ^{✓ NO STRIKE} municipality, or metropolitan
18 service district may enter into such contract. General maintenance activities include
19 the application of protective coatings, the removal and control of snow, the removal,
20 treatment and sanding of ice, interim repair of highway surfaces and adjacent
21 structures, and all other operations, activities and processes required on a
22 continuing basis for the preservation of the highways on the state trunk system, and
23 including the care and protection of trees and other roadside vegetation and suitable
24 planting to prevent soil erosion or to beautify highways pursuant to s. 80.01 (3), and
25 all measures deemed necessary to provide adequate traffic service. Special

1 maintenance activities include the restoration, reinforcement, complete repair or
2 other activities which the department deems are necessary on an individual basis for
3 specified portions of the state trunk system. Maintenance activities also include the
4 installation, replacement, rehabilitation, or maintenance of highway signs, traffic
5 control signals, highway lighting, pavement markings, and intelligent
6 transportation systems. The department may contract with a private entity for
7 services or materials or both associated with the installation, replacement,
8 rehabilitation, or maintenance of highway signs, traffic control signals, highway
9 lighting, pavement markings, and intelligent transportation systems.

10 SECTION 112. 84.07 (2) of the statutes is amended to read:

11 84.07 (2) REPAYMENT FOR STATE WORK. When any county ~~or~~ ^{NO STRIKE} municipality, or
12 metropolitan service district maintains the state trunk highways within or beyond
13 the limits of the county or municipality, including interstate bridges, in compliance
14 with the arrangement with the department, the department shall pay the actual cost
15 of the maintenance, including the allowance for materials and the use of county ~~or~~
16 municipal, or metropolitan service district machinery and overhead expenses agreed
17 upon in advance. The payments shall be made upon presentation by the county
18 highway committee ~~or~~ ^{NO STRIKE} municipal clerk, or metropolitan service commission of a
19 properly itemized and verified account. The county highway committee ~~or~~ ^{NO STRIKE}
20 municipal clerk, or metropolitan service commission shall present the itemized
21 accounts for general maintenance work no later than one month following the period
22 during which the work is performed.

23 SECTION 113. 84.07 (4) of the statutes is amended to read:

24 84.07 (4) EMERGENCY REPAIRS; BLOCKING STREETS OR ROADS; DETOURS. Except in
25 case of emergency, no city, village ~~or~~ ^{NO STRIKE} town, or metropolitan service district shall

1 obstruct any street or road over which any state trunk highway is marked unless it
2 first makes arrangements with the department for marking a detour.

3 **SECTION 114.** 85.01 (2g) of the statutes is created to read:

4 85.01 (2g) “Metropolitan service district” has the meaning given for “district”
5 in s. 229.86 (3).

6 **SECTION 115.** 85.20 (1) (d) of the statutes is amended to read:

7 85.20 (1) (d) “Local public body” includes counties, municipalities or towns, or
8 agencies thereof; metropolitan service districts that provide services under s.
9 229.863 (2) (f); transit or transportation commissions or authorities and public
10 corporations established by law or by interstate compact to provide mass
11 transportation services and facilities or 2 or more of any such bodies acting jointly
12 under s. 66.0301 to 66.0303.

13 **SECTION 116.** 85.22 (2) (c) of the statutes is amended to read:

14 85.22 (2) (c) “Local public body” has the meaning given in s. 85.20 (1) (d), except
15 as limited by rule of the department, but does not include metropolitan service
16 districts.

17 **SECTION 117.** 85.243 (1) (b) of the statutes is amended to read:

18 85.243 (1) (b) “Local public body” includes counties, municipalities or towns,
19 or agencies thereof; metropolitan service districts that provide services under s.
20 229.863 (2) (f); transit or transportation commissions or authorities and public
21 corporations established by law or by interstate compact to provide mass
22 transportation services and facilities or 2 or more of any such bodies acting jointly
23 under s. 66.0301 or 66.0303.

24 **SECTION 118.** 85.52 (1) (ag) of the statutes is amended to read:

85.52 (1) (ag) "Eligible applicant" means a county, city, village, town or combination thereof, a metropolitan service district that provides services under s. 229.863 (2) (f), Amtrak, as defined in s. 85.061 (1), a railroad, as defined in s. 85.01 (5), a private nonprofit organization that is an eligible applicant under s. 85.22 (2) (am), or a transit commission created under s. 59.58 (2) or 66.1021.

SECTION 119. 86.001 (2g) of the statutes is created to read:

86.001 (2g) "Metropolitan service district" has the meaning given for "district" in s. 229.86 (3).

SECTION 120. 86.105 of the statutes is amended to read:

86.105 Snow removal in private driveways. The governing body of any county, town, city ^{NO STRIKE} or village, or metropolitan service district providing services under s. 229.863 (2) (g) may enter into contracts to remove snow from private roads and driveways.

SECTION 121. 125.02 (10m) of the statutes is created to read:

125.02 ^(e) (10m) "Metropolitan service commission" has the meaning given for "commission" in s. 229.86 (2).

SECTION 122. 125.02 (10p) of the statutes is created to read:

125.02 ^(e) (10p) "Metropolitan service district" has the meaning given for "district" in s. 229.86 (3).

SECTION 123. 125.12 (1) (d) of the statutes is created to read:

125.12 (1) (d) An operator's license issued by a metropolitan service district under ss. 125.17 and 229.863 (2) (L) may only be revoked, suspended, or refused renewal by the issuing metropolitan service district as provided in s. 229.863 (3) (L).

SECTION 124. 125.17 (1), (2), (3), (4) (intro.), (5) (a), (b), (c) and (e) and (6) (a) (intro.), (b) and (c) of the statutes are amended to read: